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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,502	04/19/2004	Heino Taaler	1304-2	3471
28249	7590	04/03/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,502

Applicant(s)

TAALER, HEINO

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12-18 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,9,12,18,21 and 22 is/are allowed.
- 6) ☒ Claim(s) 6-8,13-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0113</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.) Claims 6, 7, 13-16, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese document no. JP2002-45969A. Figures 1a and 1b in the Japanese document no. JP2002-45969A disclose a spring element with features claimed including: a resilient contact tongue at 3b; a first “distance element” at 3a; and a second “distance element” at the curled end of tongue 3b. The claim language specifying an intended use of the spring element to be mounted in a particular contact nozzle does not impose any structural limitations that would patentably distinguish over the Japanese document no. JP2002-45969A. It would be possible for the spring element of the Japanese document no. JP2002-45969A to be mounted in any of a wide variety of contact nozzles, including the one set forth in the intended-use language of applicant’s claims, thereby satisfying whatever structural limitations are imposed by this intended-use language.

3.) Claims 8, 17, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP2002-45969A. The Japanese document no. JP2002-45969A discloses the subject matter claimed except for the limitations associated with the language calling for a bowl-shaped structure in the contact tongue. This difference does not patentably distinguish over the prior art. The spring element in the Japanese document no. JP2002-45969A

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is shown to have a shape at 3c to accommodate the welding wire. It is considered obvious that this shape is a "bowl" shape, at least in cross section, because most welding wires are round in the cross-sectional portion that would contact element 3c in the Japanese document no. JP2002-45969A.

4.) Claims 1, 3-5, 9, 12, 18, 21, and 22 are allowable over the prior art of record. None of the prior art of record teaches or suggests a contact nozzle as set forth in independent claims 1 or 21 with the combined features of the contact tube and spring element as set forth in the claims. Claims 9 and 18 are allowable because they are directed to a welding torch that includes the contact nozzle or respective allowable claims 1 or 21. The other dependent claims listed are allowable at least because they depend from allowable claims 1 or 21.

5.) The Japanese document no. JP2002-45969A is re-cited in this Office action along with a computer generated English translation attached thereto.

6.) Applicant's arguments filed on 1/13/2006 have been fully considered but they are not persuasive. On page 10 of his "Remarks", applicant argues "... the inventive combination of spring 20 and insulating layer or coating 9 at outlet end 3 of through-hole 4, 5, 6 provides especial advantages not attained with just one of these features, alone". Examiner agrees that the spring limitations and contactor structure and insulation limitations combined patentably distinguishes over the prior art of record. Those claims that include the aforementioned combination of features have been allowed. The other claims are directed to a spring element

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alone with an intended use. These claims are not deemed to distinguish over the art of record as discussed above.

7.) THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

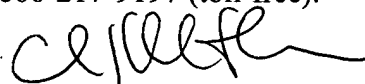
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

March 29, 2006